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EXAMINER

KENDALL, CHUCK O

ART UNIT

PAPER NUMBER

2192

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,655

Applicant(s)

BERSTIS, VIKTORS

Examiner

Chuck O. Kendall

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is the response to the communication received on Jun 24, 2005. The previous office action has been withdrawn and reconsideration of the instant application is requested by applicants. All such supporting documentation has been placed of record in the file.
2. Claims 1 – 24 have been amended and are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1,2,5 –13, and 16 – 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Misra et al. US 6,189,146 B1.

Regarding claim 1, a method for extracting information from a software package, said software package including a number of software modules, organized in a manner determined by said identification information, said method comprising:

determining an organization of said software modules within said software package (6:25 – 35); and

extracting said identification information from said organization of said software package (13:59 – 63).

Regarding claim 2, the method as set forth in claim 1 wherein said software package comprises software modules coupled together in a manner representative of said identification information (6:58 – 65).

Regarding claim 5, the method as set forth in claim 1 and further including: analyzing said software package to determine an organizational relationship among said software modules (12:13 – 15); and determining said first format from said organizational relationship of said software modules (14:30 – 40, see determining if software license and comparing ID).

Regarding claim 6, the method as set forth in claim 1 and further including transmitting said organization over a network to a requesting terminal, said requesting terminal being enabled to extract said identification information from said organization of said modules of said software package (14:30 – 40, see extracting).

Regarding claim 7, the method as set forth in claim 6 wherein said software package is transmitted from a user terminal over an Internet network to a server (13:24 – 26).

Regarding claim 8, the method as set forth in claim 6 wherein said user terminal is a wireless device (13:24 – 26).

Regarding claim 9, the method as set forth in claim 6 wherein said user terminal is a personal computer system (5:12 – 16).

Regarding claim 10, the method as set forth in claim 1 wherein said identification information includes an identification of a user of said software package (6:57 – 65).

Regarding claim 11, the method as set forth in claim 1 wherein said identification information includes an identifying number related to said software package (6:57 – 65, see product ID).

Regarding claim 12, the method as set forth in claim 11 wherein said identification information further includes an identification of a user of said software package (10:57 – 60, see client ID).

Regarding claim 13, the method as set forth in claim 1 wherein said software modules are organized in a series of sets of software modules, each of said sets comprising a predetermined number of software modules (7:43 – 45, see number of licenses).

Regarding claim 16, which is the medium version of claim 1 above, see rationale as previously discussed.

Regarding claim 17, the method as set forth in claim 1 as set forth in claim 16 wherein said medium is an optically encoded disk (5:43 – 45).

Regarding claim 18, the method as set forth in claim 1 as set forth in claim 16 wherein said medium is a magnetically encoded magnetic diskette (5:45 – 49).

Regarding claim 19, which is the medium version of claim 9 above, see rationale as previously discussed.

Regarding claim 20, the medium as set forth in claim 16 wherein software package resides on a memory device within a computer device (5:15 – 20).

Regarding claim 21, which is the medium version of claim 10 above, see rationale as previously discussed.

Regarding claim 22, which is the medium version of claim 11 above, see rationale as previously discussed.

Regarding claim 23, which is the medium version of claim 9 above, see rationale as previously discussed.

Regarding claim 24, see reasoning in claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misra et al. USPN 6,189,146 B1 as applied in claim 1, in view of Doherty et al. USPN 6,920,567 B1.

Regarding claim 3, Misra discloses all the claimed limitations as applied in claim 2 above. Although, Misra doesn't not explicitly disclose wherein said software modules are coupled together by compiling said software modules into an executable form of said software package, Misra does disclose that the packages are executable images (16:6 – 9). However, Doherty in an analogous art and similar configuration discloses

Art Unit: 2192

compiling the data into executable packages (15:20 – 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Misra and Doherty, because it would enable the packages to be executable.

Regarding claim 4, Doherty further discloses the method as set forth in claim 2 wherein said software modules are coupled together by linking said software modules into an executable form of said software package (Doherty, 15:20 – 30).

Regarding claim 15, Doherty further discloses the method as set forth in claim 13 wherein said first format is other than a binary format, each of said sets comprising a number of said software modules other than two, said first format being determined according to an order in which said number of software modules are sequenced within said sets of software modules (15:3 – 10, see data of any form).

7. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Misra et al. USPN 6,189,146 B1 as applied in claim 13 in view of Nabahi. USPN 6,006,035.

Regarding claim 14, Misra discloses all the claimed limitations as applied in claim 13 above. Misra doesn't explicitly disclose wherein said series of sets corresponds to a binary series. However, Nabahi does disclose a compiler that uses .INS instruction files that cannot read or modified using a standard ASCII editor. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made

Art Unit: 2192

to combine Misra and Nabahi because, using binary files would make the instructions more secure.

Response to Arguments

8. Applicant's arguments with respect to claims 1 – 24 have been considered but are moot in view of the new ground(s) of rejection.


Correspondence information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.


TUAN DAM
SUPERVISORY PATENT EXAMINER